

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**
Philadelphia Division

IN RE: JOHN P. KERR aka John Kerr	Case No. 23-13335-mdc Chapter 13
U.S. Bank National Association, as Trustee for Residential Asset Mortgage Products, Inc., Mortgage Asset-Backed Pass-Through Certificates, Series 2006-NC1, Movant	
vs.	
JOHN P. KERR aka John Kerr , Debtor	

**OBJECTION TO CONFIRMATION
OF DEBTOR'S CHAPTER 13 PLAN**

U.S. Bank National Association, as Trustee for Residential Asset Mortgage Products, Inc., Mortgage Asset-Backed Pass-Through Certificates, Series 2006-NC1 ("Movant"), by and through its undersigned counsel, files this *Objection to Confirmation of Debtor's Chapter 13 Plan* (Doc 14), and states as follows:

1. The Debtor filed a voluntary petition pursuant to Chapter 13 of the Bankruptcy Code on November 3, 2023.
2. Movant holds a security interest in the Debtor's real property located at 7314 Montour St, Philadelphia, PA 19111 (the "Property"), by virtue of a Mortgage.
3. The Debtor filed a Chapter 13 Plan (the "Plan") on November 17, 2023 (Doc 14).
4. The Plan includes payments toward the Note and Mortgage with Movant, however the figures used by the Debtor are inaccurate. Although Movant has not yet filed its proof of claim,

it is anticipated that the claim will show the pre-petition arrearage due Movant is \$92,094.71, whereas the Plan proposes to pay only \$66,123.56. Therefore, the Plan is not in compliance with the requirements of 11 U.S.C. §§ 1322(b)(3) and 1325(a)(5) and cannot be confirmed. Movant objects to any plan which proposes to pay it anything less than \$92,094.71 as the pre-petition arrearage over the life of the plan.

WHEREFORE, Movant respectfully requests the entry of an Order which denies confirmation of the Plan unless such plan is amended to overcome the objections of Movant as stated herein, and for such other and further relief as the Court may deem just and proper.

/s/Andrew Spivack

Andrew Spivack, PA Bar No. 84439

Matthew Fissel, PA Bar No. 314567

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IN RE:

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Case No. 23-13335-mdc
Chapter 13

U.S. Bank National Association, as Trustee for
Residential Asset Mortgage Products, Inc.,
Mortgage Asset-Backed Pass-Through Certificates,
Series 2006-NC1,
Movant

vs.

JOHN P. KERR aka John Kerr ,
Debtor

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and exact copy of the foregoing
OBJECTION TO CONFIRMATION OF DEBTOR'S CHAPTER 13 PLAN has been
electronically served or mailed, postage prepaid on this day to the following:

Via Electronic Notice:

ANTHONY A. FRIGO, Debtor's Attorney
175 Strafford Ave
Suite One
Wayne, PA 19468
anthonyfrigo@msn.com

KENNETH E. WEST, Bankruptcy Trustee
1234 Market Street - Suite 1813
Philadelphia, PA 19107

Via First Class Mail:

JOHN P. KERR
430 ASHLEY DR
HATBORO, PA 19040

Date: November 27, 2023

/s/Andrew Spivack

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